

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ERIC FLORES,

Plaintiff,

v.

US DEPARTMENT OF JUSTICE, TEXAS
DEPARTMENT OF CORRECTIONS,
INTERNAL REVENUE SERVICE,

Defendants.

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CIVIL ACTION NO. 5:21-CV-00027-RWS

ORDER

Plaintiff Eric Flores, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff alleges that prisoners are eligible to receive \$40,000.00 stimulus checks under the CARE Act, but prison officials stole these checks and killed any inmate who complained. The Magistrate Judge determined these allegations are frivolous and fail to state a claim upon which relief may be granted. Docket No. 4 (“Report and Recommendation”).

The Magistrate Judge further noted that Plaintiff’s complaint in this case is one of a lengthy series of frivolous filings from the Plaintiff. *Id.* at 2. He has accumulated three strikes within the meaning of 28 U.S.C. § 1915(g) and therefore cannot proceed *in forma pauperis* absent a showing of imminent danger of serious physical injury. In addition, the Fifth Circuit Court of Appeals has sanctioned Plaintiff a total of \$300.00 in two separate cases and barred him from further filings absent leave of court until he pays the sanctions in full, which he has not done. *Id.* The Court has

recently sanctioned Plaintiff further by requiring that any future litigation on Plaintiff's behalf be filed by an attorney licensed to practice in the Eastern District of Texas.

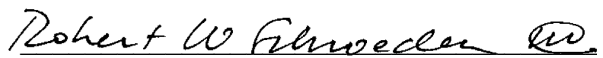
Plaintiff filed objections complaining the facts of his case were not properly adjudicated and asserting he did not have three strikes. Docket No. 5. Rather, Plaintiff claimed prison officials fabricated court orders and filed them to make it appear that he had three strikes, and this was done to prevent a criminal investigation against prison officials for fabricating court orders.

The Fifth Circuit has stated that "to recount the characteristics and history of this prisoner's litigation is to foreshadow what we must do with it." *Vinson v. Texas Board of Corrections*, 901 F.2d 474, 475 (5th Cir. 1990). A *de novo* review demonstrates that the Magistrate Judge's Report and Recommendation was correct and Plaintiff's objections are entirely without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Magistrate Judge's Report and Recommendation (Docket No. 3) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim upon which relief may be granted.

So ORDERED and SIGNED this 22nd day of April, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE